

USSN: 09/683,714

LEHMKUHL, Wade E.

REMARKSAllowable Subject Matter

The Applicant appreciates the Examiner's indication of allowance of Claims 18-24 and 43-51. The Examiner objected to Claims 2-3, 6-7, 10-14, 17, 26-29, 31-35 and 38, but indicated that they would be allowable if re-written into independent form. Accordingly, and in response thereto, Claims 2, 6, 7, 10, 14, 26, 28, 31, 35, and 38 have been re-written into independent form to include any recitations of claims from which they depend. The remainder of the claims that were objected to depend from one of these re-written claims, and therefore, their amendment is unnecessary.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 4, 5, 9, 15, 16, 25, 30, 36, and 37 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yoshida et al. (U.S. Patent No. 5,497,183 A).

Independent Claims 1, 25 and 30 have been amended and are believed to be allowable. The amendments are supported by the specification as filed, and specifically, for example, at paragraph 61 and 63. The Yoshida et al. reference does not teach or suggest all of the claimed recitations of Claims 1, 25, and 30, particularly the positioning of the cutting assembly rollers into one of a non-cutting and a cutting position using the roller positioning assembly, corresponding to whether printing to the label media is, or is not, taking place. As such, these claims are believed to be allowable over the reference. Claims 4, 5, 9, 15, 16, 36-37 all depend from independent Claims 1, 25, and 30 either directly or indirectly, and therefore include all recitations of these independent claims. Accordingly, Yoshida et al. does not teach or suggest all of the claimed recitations of Claims 4, 5, 9, 15, 16, 36-37.

Claim Rejections Under 35 U.S.C. § 103(a)

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida et al. (U.S. 5,497,183 A) in view of Kouchi et al. (U.S. 6,201,256 B1).

Independent claim 1 has been amended and is believed to be allowable. Claim 8 is dependent from, and therefore includes all the recitations of, independent Claim 1, which has been amended as noted above. Therefore, Claim 8 is believed to be allowable at least based on the patentability of Claim 1.

USSN: 09/683,714

LEHMKUHL, Wade E.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. in view of Nehowig (U.S. 5,318,370 A).

Independent Claim 30 has been amended and is believed to be allowable. Claim 39 and 40 are dependent from, directly or indirectly and therefore include all the recitations of, independent Claim 30, which has been amended as noted above. Therefore, Claims 39 and 40 are believed to be allowable at least based on the patentability of Claim 30.

Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. in view of Awai et al. (U.S. 5,451,996 A).

Independent Claim 30 has been amended and is believed to be allowable. Claims 41 and 42 are dependent from, directly or indirectly and therefore include all the recitations of, independent Claim 30, which has been amended as noted above. Therefore, Claims 41 and 42 are believed to be allowable at least based on the patentability of Claim 30.

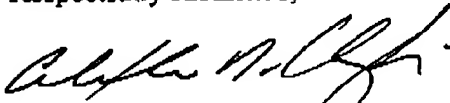
Conclusion

In view of the above, Applicant respectfully requests that the rejections to Claims 1, 4, 5, 8, 9, 15, 16, 25, 30, 36, 37, 39-40 and 41-42 be withdrawn, and subsequently allowed.

No fee or petition is believed due. In the event that a fee or petition is due, authorization is given here to charge Deposit Account No. 23-2053 in the appropriate amount for such fee or petition.

The Examiner is invited to call the Applicant's attorney in the event that such communication would facilitate allowance of the application.

Respectfully submitted,



Alexander R. Kuszewski, Esq.
Reg. No. 41,920

Date: December 22, 2003

P.O. ADDRESS:

WHYTE HIRSCHBOECK DUDEK S.C.
111 East Wisconsin Avenue
Suite 2100
Milwaukee, Wisconsin 53202
(414) 273-2100
Customer No. 022202

